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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,189	09/13/1999	PAUL A. UNDERBRINK	B-64418	3874

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EXAMINER

CRAVER, CHARLES R

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/04/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.  
**09/394,189**

Applicant(s)  
**Underbrink et al**

Examiner  
**Charles Craver**

Art Unit  
**2681**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Nov 19, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-6, 8-12, 22-28, and 30 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-6, 8-12, 22-28, and 30 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 11-19-01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/394,189 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

3. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Krenz et al, newly cited.

#### **Regarding claim 27,**

Krenz discloses a method for wireless communication, comprising  
adjusting the impedance of a patch antenna (105, col 2 lines 28-39) for use in a wireless device (100) so as to match it with that of a system for transmission through transceiver circuitry (315) comprising an amplifier (col 1 lines 37-39, col 2 lines 45-51), utilizing an element analysis (reads finite element analysis, col 3 lines 23-42, TABLES 1-3), wherein the step of tuning of the

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antenna so as to match the amplifier would inherently comprise determining the impedance of said amplifier.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 8, 9, 11, 12 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuru in view of Krenz.

**Regarding claim 1,**

Tsuru discloses a hand-held communications device (1),  
an antenna (3) coupled to the device (col 3 lines 32-56), the antenna configured so as to radiate with greater field intensity over an area of less than 360 degrees of arc (col 3 line 57-col 4 line 20, see FIG 11),  
inherently, a transmitter amplifier, and  
wherein the portion of the field that is of greater intensity is in the direction away from the head of the user of the device (col 1 lines 52-59, col 2 lines 13-24).

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Tsuru does not specifically disclose that the transmitter and antenna impedances are matched, and that the matching is determined by a finite element analysis and adjustment of the antenna impedance.

Krenz discloses the utility of matching the impedance of an antenna to a transceiver (col 1 lines 37-39, col 2 lines 44-51), and states that the impedance of the antenna may be adjusted after an analysis (reads finite element) so as to match the impedance of the transceiver (col 3 lines 23-42, TABLES 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Tsuru, as matching the impedance of the transmitter and antenna provides for more efficient operation and sensitivity.

**Regarding claim 2,**

since Tsuru teaches a radiotelephone, which typically operates on a single channel, or narrow band, it is inherent that a signal radiated from the device would be within a narrow and predetermined band.

**Regarding claim 3 and 4,**

Krenz further discloses that it is useful to provide a loop antenna or a patch antenna (col 2 lines 35-39).

**Regarding claim 6,**

Tsuru further discloses that it is useful to couple a receive antenna (col 5 lines 51-55) to the hand-held device.

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**Regarding claim 8,**

Tsuru discloses a hand-held wireless cellular communications device (1, ), and a transmit antenna (33) and a receive antenna (34) coupled to the device (col 2 lines 3-12 and col 5 lines 25-55), and, inherently a transmitter amplifier.

Tsuru does not specifically disclose that the transmitter and antenna impedances are matched, and that the matching is determined by a finite element analysis and adjustment of the antenna impedance.

Krenz discloses the utility of matching the impedance of an antenna to a transceiver (col 1 lines 37-39, col 2 lines 44-51), and states that the impedance of the antenna may be adjusted after an analysis (reads finite element) so as to match the impedance of the transceiver (col 3 lines 23-42, TABLES 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Tsuru, as matching the impedance of the transmitter and antenna provides for more efficient operation and sensitivity.

**Regarding claim 9,**

Krenz discloses a cellular phone (col 1 line 65-col 2 line 13).

**Regarding claim 11,**

Krenz further discloses that it is useful in a hand-held communication device (100) with an antenna (105), to provide a patch antenna (col 2 lines 35-39), which would be contained within the housing of the unit.

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**Regarding claim 12,**

while Krenz discloses a patch antenna, it is not disclosed that the patch antenna may be contained within an IC package, it was well known in that art at the time of the invention to integrate a patch antenna into an IC, as shown by the teachings of Filimon, where it is stated that a patch antenna may comprise a piece of copper foil mounted to the inside of the device, and that the patch antenna may be a conductive coating applied directly to a panel (col 3 line 64-col 4 line 2 and lines 43-47). As such, the examiner takes Official Notice of such a feature, as the need to reduce the size and complexity of the circuit would obviously motivate one of ordinary skill in the art to enclose such antennae in an IC package, especially given the suggestion of a conductive coating, as an IC package would reduce production costs by eliminating extra components.

**Regarding claim 22,**

Tsuru discloses a method for use in a hand-held communications device (1), comprising modulating speech data onto a signal, transmitting the signal, inherently from a transmitter amplifier, from an antenna (3) coupled to the device (col 3 lines 32-56), the antenna configured so as to radiate with greater field intensity over an area of less than 360 degrees of arc (col 3 line 57-col 4 line 20, see FIG 11), wherein the portion of the field that is of greater intensity is in the direction away from the head of the user of the device (col 1 lines 52-59, col 2 lines 13-24).

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Tsuru does not specifically disclose that the transmitter and antenna impedances are matched, and that the matching is determined by a finite element analysis and adjustment of the antenna impedance.

Krenz discloses the utility of matching the impedance of an antenna to a transceiver (col 1 lines 37-39, col 2 lines 44-51), and states that the impedance of the antenna may be adjusted after an analysis (reads finite element) so as to match the impedance of the transceiver (col 3 lines 23-42, TABLES 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Tsuru, as matching the impedance of the transmitter and antenna provides for more efficient operation and sensitivity.

**Regarding claim 23,**

Tsuru discloses receiving an incoming signal at a second antenna (34, col 5 lines 43-55).

**Regarding claim 24,**

Krenz further discloses that it is useful in a hand-held communication device (100) with an antenna (105), to provide a patch antenna (col 3 lines 35-39), which would be contained within the housing of the unit.

**Regarding claim 25,**

Tsuru further discloses receiving signals with a monopole antenna (col 1 lines 16-25).

**Regarding claim 26,**

Tsuru further teaches a monopole antenna for receiving signals (col 5 lines 43-55).



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6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuru and Krenz as applied to claim 1 above, and further in view of Flowerdew et al.

Tsuru in view of Krenz discloses applicant's invention of claim 1, and further states that it is useful to couple a receive antenna (col 5 lines 51-55) to the hand-held device. Tsuru does not disclose that the receive antenna has a field of reception orthogonal to the field of reception of the transmit antenna.

Flowerdew discloses that it is useful in a hand-held device (104) comprising a transmit antenna (904) and a receive antenna (902) to provide the two antennas with mutually orthogonal fields of transmission/reception (col 8 lines 25-61).

Therefore, it would have been obvious to one skilled in the art to add such a function to Tsuru in view of Krenz, since Flowerdew states that orthogonal fields minimize mutual coupling (col 13 lines 36-48), which is advantageous.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuru and Krenz as applied to claim 8 above, and further in view of Flowerdew.

Tsuru in view of Krenz discloses applicant's invention of claim 8, but does not disclose that the receive antenna has a field of reception orthogonal to the field of reception of the transmit antenna.

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Flowerdew discloses that it is useful in a hand-held device (104) comprising a transmit antenna (904) and a receive antenna (902) to provide the two antennas with mutually orthogonal fields of transmission/reception (col 8 lines 25-61).

Therefore, it would have been obvious to one skilled in the art to add such a function to Tsuru and Krenz, since Flowerdew states that orthogonal fields minimize mutual coupling (col 13 lines 36-48).

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krenz.

Krenz discloses applicant's invention of claim 27, shown above. While not disclosing that the amplifier system's impedance is specifically 10 ohms, it would have been obvious to one of ordinary skill in the art at the time of the invention that transmitter amplifiers with such characteristic impedances were available, and as such, such a value would have been the product of a routine engineering decision, that is, the choice of transmitter amplifier used in a particular embodiment of the invention.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krenz as applied to claim 27 above, and further in view of Naitou.

While disclosing applicant's invention of claim 27 above, Filimon does not disclose that the adjustment may be operable to change the antenna pass band.

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Naitou suggests that antennas may be adjusted so as to tune to a particular channel, i.e. change the passband characteristic of the antenna (col 1 lines 15-21), thus reducing the need for further filtering.

Given such a suggestion, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Krenz; Krenz teaches the utility of adjusting a patch antenna, while Naitou suggests adjustment of antenna passbands is preferable, and as such, adding such a feature to Krenz would provide better response and sensitivity.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 8, 22 and 27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams discusses the importance of matching a transmitter and antenna's impedance

**12. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

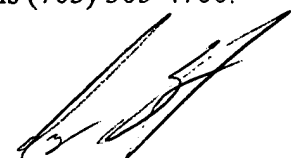
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington VA, sixth floor (receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-4700.

CC  
C. Craver  
November 29, 2001

  
DWAYNE BOST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600